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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 04TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.16005/1998

BETWEEN:

Junjappa,
s/o Kadappa,
age:35 years,
Agriculturist,
R/o Doddaghatta,
Hiriyur taluk,
Chitradurga District.

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..PETITIONER

(By Sri H.Thipperudrappa, Adv.)

AND:

1. Tahsildar,
Hiriyur,
District-Chitradurga.

2. V.Rajappa,
s/o Erappa,
Age:45 years,
R/o Doddaghatta,
Hiriyur Taluk,
Chitradurga district.

3. Mehboobi @ Babakka,
w/o Sakkarsab.

4. Suban,
s/o Sakkarsab,

Respondents 3 and 4 are
majors and r/o Koonikere,
Hiriyur taluk,
Chitradurga district.

..RESPONDENTS

(By Sri B.E.Kotian, Addl.G.A. for R-1)

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This writ petition is filed under Articles 226 and 227 of the constitution of India with a prayer to direct R-1 to stay the proceedings in NO.RRT.Dispu CR.2/98-99 before him and await the decision of the civil court in O.S.NO.21/98 and etc.

This writ petition coming on for prly.hearing this day, the court made the following:-

ORDER

Sri B.E.Kotian, learned Government Advocate is directed to take notice to Respondent-1.

2. The petitioner in this petition has sought for a direction to the 1st respondent not to consider therequest made by the 2nd respondent to enter his name in respect of land bearing R.S.No.71/5, Sy.No. 108/1 and Sy.No.108/1, measuring 26 guntas, 38 guntas and 27 guntas, respectively, all situated at DoddaGhatta village, till the Civil court decides the rights of the parties in suit in O.S.No.20/98 pending on the file of the Court of Civil Judge (Senior Division), Chitradurga.

3. Sri Thipperundrappa, learned counsel appearing for the petitioner submitted that the petitioner by

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means of an agreement dated 3rd November, 1997
had agreed to purchase the land referred to above
from Respondents-3 and 4 and [✓]pursuant to [✓]the said agreement
to sell, the petitioner was put in possession of
the lands in question by respondents-3 and 4; and
since the respondents-3 and 4 failed to perform
their part of obligation as per the terms of the
agreement by executing the sale deed; and in the
meanwhile, sold the said lands to the 2nd respon-
dent, the petitioner filed suit in O.S.No.20/98
referred to above seeking for specific performance
of the terms of the agreement. He further sub-
mits that since the dispute between the parties
is pending adjudication before the Civil Court,
the 1st respondent must be directed not to enter
the name of the parties by issuing writ of
prohibition till the final decision is rendered
in the civil dispute pending before the Civil
court. He also submits that the petitioner has
already made representation before the Tahsildar.

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5. Subject to the observation made above,
this petition is rejected.

6. Sri Kotian, learned Government Advocate
is given four weeks time to file his memo of
appearance.

Sd/-
JUDGE

